

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)	
)	Case No. 1:04CR70099
)	
v.)	OPINION AND ORDER
)	
THEODORE ALFRED HOOD,)	By: James P. Jones
)	Chief United States District Judge
Defendant.)	

Theodore Alfred Hood, Petitioner Pro Se.

The defendant, Theodore Alfred Hood, who was sentenced by this court on April 18, 2005, has submitted a letter (Dkt. No. 313) that I construe as a Motion for Miscellaneous Relief. Specifically, Hood asks the court to dismiss a Writ of Habeas Corpus Ad Prosequendum, dated September 17, 2004, and to grant him credit against his criminal sentence for jail time he served between September 14, 2004 and the date of sentencing. As Hood is not incarcerated within this district, I must deny the motion.

The Bureau of Prisons (“BOP”) and not the sentencing court is responsible for granting an inmate credit against his criminal sentence for jail time served before sentencing. *United States v. Wilson*, 503 U.S. 329, 334 (1992). Furthermore, “[j]udicial review [of BOP computations of sentence] must be sought under 28 U.S.C.

§ 2241 in the district of confinement rather than in the sentencing court.” *United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989).

Under these principles, I am without jurisdiction to grant Hood any jail credit against his sentence. He is currently housed at a federal prison facility in Salters, South Carolina. Therefore, if he wishes to seek judicial review of the BOP decision to deny him the desired jail credit, he must pursue such a claim by filing a § 2241 petition in the United States District Court for the District of South Carolina.

I find no ground upon which to dismiss the Writ of Habeas Corpus Ad Prosequendum issued in Hood’s case on September 17, 2004. This writ is now moot, as it is undisputed that Hood is now in federal custody, serving his federal criminal sentence. Moreover, calculation of any jail credit to which Hood may be entitled will rely on state court records regarding the expiration of his state sentences and not on the 2004 writ in question.

For the stated reasons, it is **ORDERED** that the motion is **DENIED**.

ENTER: October 13, 2006

/s/ JAMES P. JONES
Chief United States District Judge